

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

LEON COUNTY, FLORIDA, a Charter
County of the state of Florida, and a political
subdivision of the State of Florida,

Plaintiff,

v.

CITY OF TALLAHASSEE, a Florida
municipal corporation
Defendant.

Case No. 03 CA 2195

FILED
CIRCUIT CIVIL DIV.
03 SEP 26 PM 2:53
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF,
AND FOR WRIT OF CERTIORARI

COMES NOW, LEON COUNTY, FLORIDA, a Charter County of the state of Florida,
and a political subdivision of the State of Florida, and sues the CITY OF TALLAHASSEE, a
Florida municipal corporation, and requests that this Honorable Court enter a Declaratory
Judgment and Permanent Injunctive Relief against the City of Tallahassee on the following
grounds:

1. That this is an action under Chapter 86, Fla. Stat., for a declaratory judgment.
2. That this is also a request for permanent injunctive relief.
3. That the Plaintiff, Leon County, Florida is a Charter County under the laws of the
State of Florida, and constitutes a political subdivision of the State of Florida.
4. That the Defendant, City of Tallahassee, is a Florida municipal corporation,
located in the confines and jurisdiction of the Plaintiff, Leon County, Florida.
5. That Leon County has standing to bring this action as a result of the fact that it is
an abutting and affected local government entity, who provides governmental services to the

affected areas, pursuant to the definition set forth in Chapters 163, 125, 166, Fla. Stat., and other relevant provisions.

6. That this is an action to challenge past and future annexations by the Defendant, City of Tallahassee, as being in violation of the requirements of Policy 2.1.4 of the Intergovernmental Coordination Element (ICE) of the 2010 Tallahassee-Leon County Comprehensive Plan, and in violation of Chapter 171, Fla. Stat.

7. That Leon County is in doubt as to the requirements of Chapter 171, Fla. Stat. as it relates to the annexation of certain parcels contained within an area of Leon County known as the "Southern Triangle."

8. That the City of Tallahassee has by ordinance adopted the annexations, over the objection of certain residents in the area, of certain parcels known as the "Southern Triangle" (as depicted on the map set and attached hereto as Exhibit #1, as 75-AA, 74-AA, 76-AA1, and 76-AA3, pursuant to City of Tallahassee Ordinance Nos. 02-O-74AA, 02-O-75AA, 02-O-76AA1, 02-O-76AA2, 02-O-76AA3, attached hereto as Composite Exhibit #2).

9. That the annexations of said parcels were endeavored to be accomplished by the City of Tallahassee without following the strict provisions required for review of said annexations as set forth in Policy 2.1.4 of the ICE of the 2010 Tallahassee-Leon County Comprehensive Plan.

10. That said Ordinances set forth in paragraph 8 were adopted by the City of Tallahassee prior to approval by the Leon County Board of County Commissioners. In fact, the Leon County Board of County Commissioners had objected to said annexations as in accord with

the 2010 Tallahassee-Leon County Comprehensive Plan, due to serious concerns over violations of Chapter 171, Fla. Stat.

11. That citizens in the affected areas continue to assert that said annexations do not meet the requirements set forth in §171.043, Fla. Stat. in that the parcels annexed do not meet the requirements set forth in said statutory provision, as same are not contiguous, that said areas are not for urban purposes, that said areas are not reasonably compact, that said areas create an enclave, and that said areas create improper "serpentine" annexations.

12. That the City asserts that proposed future annexations may be adopted by the City without the required petitions for voluntary annexation being executed by the current fee simple owners of the properties to be annexed, pursuant to Chapter 171, Fla. Stat. To do so may constitute unlawful and inappropriate involuntary annexations without referendum, as required by Chapter 171, Fla. Stat.

13. That the impact of said past and future annexations has created doubt as to the requirements of Leon County for the provision of administrative, social, emergency, safety, and other services provided by Leon County and its Constitutional Officers.

14. That the injury suffered by Leon County and the residents in the area is unique to the area and constitutes sufficient standing to bring this action.

15. That Leon County represents that it shall fully and completely comply with any and all requirements of Chapter 164, Fla. Stat., prior to the full prosecution of this action.

WHEREFORE, LEON COUNTY, FLORIDA, hereby requests that this Honorable Court declare that the actions of the City of Tallahassee in adopting Ordinance Nos. 02-O-74AA, 02-O-75AA, 02-O-76AA1, 02-O-76AA2, 02-O-76AA3 to be contrary to the requirements of the 2010

Tallahassee-Leon County Comprehensive Plan and the requirements of Chapter 171, Fla. Stat., and further, that the Court enter an Injunction requiring the City of Tallahassee to adopt ordinances contracting the City of Tallahassee municipal limits, pursuant to Chapter 171, Fla. Stat., to withdraw the annexations of said properties as being in contravention of the 2010 Tallahassee-Leon County Comprehensive Plan and Florida Statutes.

COUNT II

COMES NOW, LEON COUNTY, FLORIDA, a Charter County of the State of Florida, and a political subdivision of the State of Florida, and petitions this Honorable Court for a writ of certiorari to review the actions of the CITY OF TALLAHASSEE, in adopting certain annexation ordinances as alleged herein:

16. The allegations of paragraphs 3, 4, 8, 10, and 13 through 15 are hereby realleged and incorporated herein.

17. This is an action to appeal annexation ordinances adopted by the CITY OF TALLAHASSEE, pursuant to § 171.081, Fla. Stat., alleging that the municipal governing body failed to comply with the requirements for annexation contained in Chapter 171, Fla. Stat.

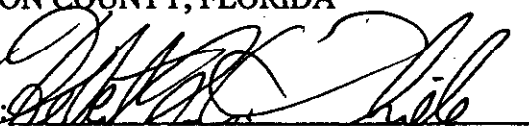
18. Leon County has standing to bring this action pursuant to its ownership of property within the area of the subject annexations and its belief that the County will suffer material injury by the City's annexations of the subject properties.

WHEREFORE, LEON COUNTY, FLORIDA, hereby requests that this Honorable Court issue a writ of certiorari to review the actions of the City of Tallahassee in adopting Ordinance Nos. 02-O-74AA, 02-O-75AA, 02-O-76AA1, 02-O-76AA2, and 02-O-76AA3, finding those annexations contrary to the requirements of Chapter 171, Fla. Stat., and further, that the Court

enter an Order requiring the City of Tallahassee to adopt ordinances contracting the City of Tallahassee municipal limits, pursuant to Chapter 171, Fla. Stat. on contraction, to withdraw the annexations of said properties as being in contravention of the Florida Statutes.

RESPECTFULLY SUBMITTED on this 26th day of September, 2003.

LEON COUNTY, FLORIDA

By: 

Herbert W.A. Thiele, Esq.

County Attorney

Suite 202, 301 South Monroe Street

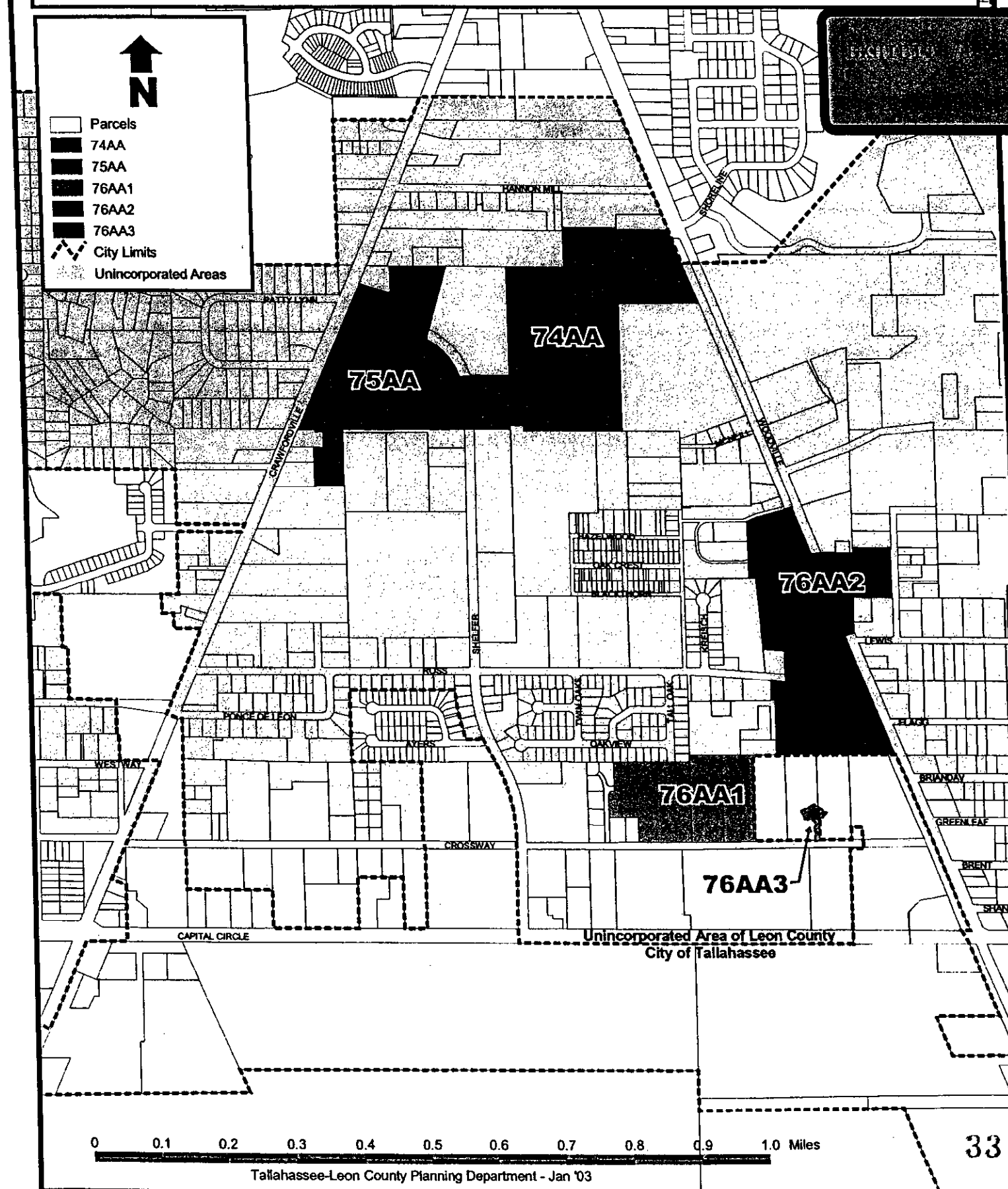
Tallahassee, Florida 32301

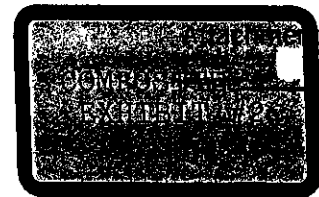
(850) 487-1008

Florida Bar No. 261327

Attorney for the Plaintiff

Southern Triangle Proposed Annexations





ORDINANCE NO. 02-O-74AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

SOUTHERN TRIANGLE / HARRISON et al

BEGIN at the intersection of the south boundary of Section 18, Township 1 South, Range 1 East with the westerly right-of-way boundary of the Seaboard Coastline Railroad (now the State of Florida Bicycle Path right-of-way); thence South 20 degrees 50 minutes 28 seconds East, along said westerly right-of-way boundary, a distance of 416.12 feet to the most easterly corner of that parcel described in Official Record Book 536, Page 408 (Tax I.D 31-19-20-205); thence South 88 degrees 55 minutes 00 seconds West, along the southerly boundary of said parcel last referenced, a distance of 184.21 feet; thence North 00 degrees 02 minutes 00 seconds East, a distance of 20.50 feet to the southeast corner of that parcel described in Deed Book 72, Page 46 (Tax I.D 41-24-20-004) of said Public Records; thence South 88 degrees 55 minutes 00 seconds West, along the south boundary of said parcel last referenced, a distance of 440 feet more or less, to an intersection with the east boundary of that parcel described in Official Record Book 246, Page 590 (Tax I.D 41-24-20-902) of said Public Records; thence, along the east and south boundaries of said parcel as follows: South 00 degrees 02 minutes 00 seconds West, a distance of 1,006.28 feet to the southeast corner of said parcel last referenced; thence West, a distance of 220.00 feet to the northwest corner of that parcel described in Official Record Book 1151, Page 1516 (Tax I.D 41-24-20-018) of said Public Records, also being the northeast corner of that parcel described in Official Record Book 2272, Page 1621 (Tax I.D 41-24-20-006) of said Public Records; thence, along the north boundary of said parcel last referenced as follows: West, a distance of 779.4 feet, more or less; thence North, a distance of 40 feet; thence West, a distance of 100 feet, more or less, to the northwest corner of said parcel last referenced; thence North, a distance of 20 feet to the southeast corner of that parcel described in Official Record Book 2060, Page 1952 (Tax I.D 41-24-20-053) of said Public Records; thence, along the southerly boundary of said parcel last referenced, West, a distance of 290 feet to an intersection with the easterly right-of-way boundary of Shelfer Road; thence West, crossing Shelfer Road, a distance of 80 feet to the westerly right-of-way boundary of Shelfer road; thence North, along said westerly right-of-way boundary, 217.36 feet to a curve to the left having a radius of 532.96 feet; thence continue along said westerly right-of-way boundary and curve, through a central angle of 17 degrees 45 minutes 36 seconds for 165; thence Easterly, crossing said Shelfer Road, a distance of 83.46 feet to the southwest corner of that parcel described in Official Record Book 1479, Page 20 (Tax I.D 41-24-20-049) of said Public Records, said corner being on the easterly right-of-way boundary of said Shelfer Road; thence, leaving said easterly right-of-way boundary, East, along the southerly boundary of said parcel last referenced, a distance of 313.52 feet to the southeast corner of said parcel last referenced; thence North 00 degrees 25 minutes 49 seconds East, a distance of 890 feet, more or less, to the northeast corner of said parcel last referenced; thence East, a distance of 445.4 feet to the southeast corner of that parcel described in Official Record Book 1964, Page 258 (Tax I.D 41-13-20-449) of said Public Records; thence, along the easterly boundary and a northerly extension thereof of said parcel last referenced, North 00 degrees 12 minutes 46

seconds West, a distance of 316.38 feet to the southwest corner of that parcel described in Official Record Book 2399, Page 1412 (Tax I.D. 41-13-20-421) of said Public Records; thence, along the southerly boundary of said parcel last referenced, South 89 degrees 56 minutes 43 seconds East, a distance of 419.47 feet to the southeast corner of said parcel last referenced, lying on the westerly boundary of that parcel described in Official Record Book 617, Page 152 (Tax I.D. 41-13-20-419), of said Public Records; thence, along said westerly boundary, South 00 degrees 28 minutes 47 seconds East 23.39 feet to the southwest corner of said parcel last referenced; thence, along the southerly boundary of said parcel last referenced, South 89 degrees 55 minutes 15 seconds East, a distance of 407.13 feet to an intersection with the westerly right-of-way boundary of the Seaboard Coastline Railroad (now the State of Florida Bicycle Path right-of-way boundary); thence South 24 degrees 28 minutes 43 seconds East, along said westerly right-of-way boundary last referenced, a distance of 308 feet to the POINT OF BEGINNING; Containing 33 acres, more or less .

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the 28 st day of August, 2002

PASSED the City Commission on the _____ day of _____, 2003

JOHN R. MARKS III, Mayor

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH
City Attorney

ORDINANCE NO. 02-O-75AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

SOUTHERN TRIANGLE--CRAWFORDVILLE / SHELFER ROAD NORTH / VAUSE

COMMENCE at the intersection of the south boundary of Section 18, Township 1 South, Range 1 East with the westerly right-of-way boundary of the Seaboard Coastline Railroad (now the State of Florida Bicycle Path right-of-way); thence South 20 degrees 50 minutes 28 seconds East, along said westerly right-of-way boundary, a distance of 416.12 feet to the most easterly corner of that parcel described in Official Record Book 536, Page 408 (Tax I.D 31-19-20-205); thence South 88 degrees 55 minutes 00 seconds West, along the southerly boundary of said parcel last referenced, a distance of 184.21 feet; thence North 00 degrees 02 minutes 00 seconds East, a distance of 20.50 feet to the southeast corner of that parcel described in Deed Book 72, Page 46 (Tax I.D 41-24-20-004) of said Public Records; thence South 88 degrees 55 minutes 00 seconds West, along the south boundary of said parcel last referenced, a distance of 440 feet more or less, to an intersection with the east boundary of that parcel described in Official Record Book 246, Page 590 (Tax I.D 41-24-20-902) of said Public Records; thence, along the east and south boundaries of said parcel as follows: South 00 degrees 02 minutes 00 seconds West, a distance of 1,006.28 feet to the southeast corner of said parcel last referenced; thence West, a distance of 220.00 feet to the northwest corner of that parcel described in Official Record Book 1151, Page 1516 (Tax I.D 41-24-20-018) of said Public Records; thence, along the west boundary of said parcel last referenced, South 00 degrees 02 minutes 44 seconds West, a distance of 660 feet; thence West, a distance of 234 feet; thence South, a distance of 660 feet to an intersection with the northerly boundary of that parcel described as Parcel 2 in Official Record Book 2272, Page 1619 (Tax I.D. 41-24-20-026); thence, along the northerly boundary of said parcel last referenced, East, a distance of 61 feet, more or less, to the northwest corner of that parcel described in Official Record Book 1328, Page 2368 (Tax I.D 41-24-20-052) of said Public Records; thence South, along the westerly boundary of said parcel last referenced, a distance of 569.18 feet to the southwest corner of said parcel last referenced, lying on the northerly right-of-way boundary of Ross Road; thence West, along said northerly right-of-way boundary, a distance of 235.59 feet to the southeast corner of that parcel described in Official Record Book 1120, Page 230 (Tax I.D 41-24-20-001) of said Public Records; thence, along the easterly boundary of said parcel last referenced, North 00 degrees 14 minutes 24 seconds East 569.88 feet to the northeast corner of said parcel last referenced; thence, along the northerly boundary of said parcel last referenced, North 89 degrees 45 minutes 36 seconds West, a distance of 251.62 feet to the northwest corner of said parcel last described and the southwest corner of that parcel described in Official Record Book 2272, Page 1619 (Tax I.D 41-24-20-006); thence North, a distance of 1320 feet, more or less, to the northeast corner of that parcel referenced in Tax I.D 41-24-20-009 of said Public Records; thence, along the southerly boundary of said parcel last referenced, West, a distance of 363 feet, more or less, to an intersection with the westerly right-of-way boundary of Shelfer Road at the southeast corner of that parcel described in Official

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH
City Attorney

ORDINANCE NO. 02-O-76AA2

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

SOUTHERN TRIANGLE / ROSS ROAD / WOODVILLE HIGHWAY

COMMENCE at the intersection of the southerly right-of way boundary of State Road 263 (Capital Circle SW) with the westerly boundary line of said Section 30, Township 1 South, Range 1 West; thence South 89 degrees 58 minutes 16 seconds East along said southerly right-of-way boundary, a distance of 1255 feet, more or less, to an intersection with the southerly extension of the easterly boundary of that parcel described in Official Record Book 2417, Page 578 (Tax I.D 31-19-20-628) of said Public Records; thence, leaving said southerly right-of-way boundary, run North 00 degrees 09 minute 03 seconds West, along the aforesaid southerly extension, crossing said State Road 263, a distance of 100 feet, more or less to the northerly right-of-way boundary of said State Road 263; thence, leaving said northerly right-of-way boundary, continue thence North 00 degrees 09 minutes 03 seconds East, a distance of 654.12 feet to an intersection with the southerly right-of-way boundary of Crossway Road (60 foot right-of-way); thence, along the southerly right-of-way boundary of said Crossway Road, North 89 degrees 09 minutes 23 seconds East, a distance of 100 feet; thence, leaving said southerly right-of-way last referenced and crossing said Crossway Road, North 00 degrees 14 minutes 20 seconds West, a distance of 160 feet, more or less, to the northeast corner of that parcel described in Official Record Book 1357, Page 1331 (Tax I.D 31-19-20-610) of said Public Records; thence, along the north and westerly boundaries of said parcel as follows: South 88 degrees 47 minutes 28 seconds West, a distance of 100.00 feet; thence South 00 degrees 14 minutes 20 seconds East, a distance of 100.00 feet, more or less, to an intersection with the northerly right-of-way boundary of said Crossway Road; thence, along said northerly right-of-way boundary, South 89 degrees 02 minutes 32 seconds West, a distance of 252 feet, more or less, to the southeast corner of that "Less and Except" Tract (0.09 Acre) identified in that Limited Partition Subdivision described in Official Record Book 2504, Page 2174-2175 (Tax I.D 31-19-20-608-0000) of said Public Records; thence, leaving said northerly right-of-way boundary and along the boundaries of said parcel last referenced as follows: North, a distance of 164.12 feet; thence North 44 degrees 08 minutes 41 seconds East, a distance of 72.27 feet; thence North, a distance of 9.11 feet; thence North 55 degrees 28 minutes 05 seconds West, a distance of 98.73 feet; thence West, a distance of 3.00 feet; South 65 degrees 23 minutes 24 seconds West, a distance of 118.25 feet; thence South, a distance of 15.31 feet; thence South 29 degrees 12 minutes 56 seconds East, a distance of 52.47 feet; thence South 85 degrees 38 minutes 45 seconds East, a distance of 86.64 feet; thence South, a distance of 164.73 feet to the southwest corner of that "Less and Except" Tract (0.37 Acre) identified in that Limited Partition Subdivision described in Official Record Book 2504, Page 2174-2175 (Tax I.D 31-19-20-608-0000) of said Public Records on the northerly right-of-way boundary of said Crossway Road; thence South 88 degrees 47 minutes 28 seconds West, along said northerly right-of-way boundary, a distance of 480.4 feet, more or less, to the southwest corner of that Limited Partition parcel described as Lot 3 in Official Record Book 2504, Pages 2170-2171 (Tax I.D 31-19-20-608-0030) of said Public

Records; thence, leaving said northerly right-of-way boundary, North 00 degrees 09 minutes 14 seconds West, along the westerly boundary of said Lot 3 aforementioned, a distance of 696.04 feet to the northwest corner of said Lot 3 aforementioned; thence South 89 degrees 53 minutes 21 seconds East, along the northerly boundary of said Lot 3 aforementioned, a distance of 103.68 feet to the southwest corner of that parcel described in Deed Book YY, Page 266 (Tax ID 31-19-20-601) for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** thence North 03 degrees 06 minutes West 629.67 feet to the northeast corner of that parcel described in Official Record Book 1008, Page 1818 (Tax ID 31-19-20-618) lying on the southerly boundary line of Ross Road; thence, along said southerly boundary line, South 85 degrees 53 minutes 55 seconds East 112 feet, more or less to an intersection with the southerly prolongation of the easterly boundary line of that parcel described in Official Record Book 1659, Page 1017 (Tax ID 31-19-20-602); thence North 00 degrees 52 minutes 08 seconds East 60 feet to an intersection with the northerly boundary line of said Ross Road marking the southeast corner of said parcel described in Official Record Book 1659, Page 1017; thence, along the easterly boundary line of said parcel last referenced, North 00 degrees 52 minutes 08 seconds East 185.34 feet to the northeast corner of said parcel last referenced; thence, along the northerly boundary line of said last parcel last referenced, North 85 degrees 51 minutes 24 seconds West 169.71 feet to the northwest corner of said parcel last referenced and to an intersection with the westerly boundary line of that property described in Official Record Book 2447, Page 1417 (Tax ID 31-19-05-00-00-070 and Tax ID 31-19-05-00-00-060); thence, along said westerly boundary line of said parcel last referenced, North 04 degrees 12 minutes 29 seconds East 570.05 feet to the northwest corner of said parcel last referenced lying on the southerly boundary line of that property described in Official Record Book 976, Page 1251 (Tax ID 31-19-05-A-0100); thence South 89 degrees 36 minutes West 45 feet to the southeast corner of that property described in Official Record 1445, Page 857 (Tax ID 31-19-05-A-0020); thence, along the easterly boundary line of said parcel last referenced, crossing Novey Circle South, North 00 degrees 24 minutes West 290 feet to the southeast corner of that property described in Official Record Book 1610, Page 1856 (Tax ID 31-19-05-B-0030); thence, along the easterly boundary line of said parcel last referenced, North 00 degrees 24 minutes 00 seconds West 151.48 feet to an intersection with the southerly right-of-way boundary line of Novey Circle North, described in Official Record Book 976, Page 1251; thence, along said southerly right-of-way boundary line the following two courses: North 69 degrees 21 minutes 18 seconds East 73.95 feet; thence North 72 degrees 45 minutes 38 seconds East 247.58 feet to an intersection with the westerly right-of-way boundary line of the formerly St. Marks Branch of the Seaboard Airline Railroad (now the Florida Department of Transportation -St. Marks Bike Trail); thence continue North 72 degrees 45 minutes 38 seconds East, crossing said St. Marks Bike Trail, a distance of 70 feet, more or less, to an intersection with the westerly right-of-way boundary of Woodville Highway (State Road 363); thence along the westerly right-of-way boundary of said Woodville Highway, South 20 degrees 41 minutes 31 seconds East 368 feet, more or less, to an intersection with the westerly projection of part of the northerly boundary line of that property described in Official Record

Book 1240, Page 1863 (Tax ID 31-19-30-A0-030); thence, along said westerly projection, East 66 feet, more or less, to the northwest corner of said property described in Official Record Book 1240, Page 1863 (Tax ID 31-19-30-A0-030); thence, along the northerly boundary line of said last referenced property, East 249.56 feet, more or less to an intersection with the westerly boundary line of Lot 3, Block "A", Belair Subdivision, a subdivision recorded in Plat Book 2, Page 87; thence, along said westerly boundary line, North a distance of 39 feet, more or less, to the northwest corner of said Lot 3; thence, East, along the northerly boundary line of said Lot 3, a distance of 307.6 feet to the northeast corner of said Lot 3; thence, South, along the easterly boundary lines of Lots 3, 4, 5, Block "A", of said Belair Subdivision, a distance of 399 feet to the northeast corner of that property described in Official Record Book 1240, Page 1863 (Tax ID 31-19-30-A0-060); thence, along the northerly boundary lines of Lot 6 and Lot 7, of said Block "A", Belair Subdivision, West 307.6 feet to the northwest corner of that property described in Official Record Book 1916, Page 1234 (Tax ID 31-19-30-A0-061) also being at the northwest corner of said Lot 6; thence South, along the westerly boundary line of said Lot 6, a distance of 286.2 feet to an intersection with the easterly right-of-way boundary line of Woodville Highway (State Road 363); thence South 68 degrees 55 minutes West, crossing said Woodville Highway, a distance of 70 feet, more or less, to an intersection with the westerly right-of-way boundary line of said Woodville Highway; thence, along said westerly right-of-way boundary line, South 20 degrees 41 minutes 31 seconds East 1,013 feet, more or less, to an intersection with the easterly prolongation of the northerly boundary of that parcel described in Official Record Book 1898, Page 2144 (Tax I.D 31-19-20-609); thence West, crossing said St. Marks Trail and along the north boundary of said parcel last referenced, a distance of 292 feet to the northeast corner of Lot 5 of that Limited Partition subdivision described in Official Record Book 2504, Page 2174-2175 (Tax I.D 31-19-20-608-0000) of said Public Records; thence, along the north boundary of said Lot 5 and the north boundary of Lots 4 and 3 of said Limited Partition subdivision, North 89 degrees 53 minutes 21 seconds West, a distance of 598.23 feet to the POINT OF BEGINNING; Containing 36 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the 28th day of August, 2002

PASSED the City Commission on the _____ day of _____, 2003

JOHN R. MARKS III, Mayor

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH
City Attorney

ORDINANCE NO. 02-O-76AA3

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

SOUTHERN TRIANGLE/KIRBY TRUST

COMMENCE at the intersection of the southerly right-of way boundary of State Road 263 (Capital Circle SW) with the westerly boundary line of said Section 30, Township 1 South, Range 1 West; thence South 89 degrees 58 minutes 16 seconds East along said southerly right-of-way boundary, a distance of 1255 feet, more or less, to an intersection with the southerly extension of the easterly boundary of that parcel described in Official Record Book 2417, Page 578 (Tax I.D 31-19-20-628) of said Public Records; thence, leaving said southerly right-of-way boundary, run North 00 degrees 09 minute 03 seconds West, along the aforesaid southerly extension, crossing said State Road 263, a distance of 100 feet, more or less to the northerly right-of-way boundary of said State Road 263; thence, leaving said northerly right-of-way boundary, continue thence North 00 degrees 09 minutes 03 seconds East, a distance of 654.12 feet to an intersection with the southerly right-of-way boundary of Crossway Road (60 foot right-of-way); thence, along the southerly right-of-way boundary of said Crossway Road, North 89 degrees 09 minutes 23 seconds East, a distance of 100 feet; thence, leaving said southerly right-of-way last referenced and crossing said Crossway Road, North 00 degrees 14 minutes 20 seconds West, a distance of 160 feet, more or less, to the northeast corner of that parcel described in Official Record Book 1357, Page 1331 (Tax I.D 31-19-20-610) of said Public Records; thence, along the north and westerly boundaries of said parcel as follows: South 88 degrees 47 minutes 28 seconds West, a distance of 100.00 feet; thence South 00 degrees 14 minutes 20 seconds East, a distance of 100.00 feet, more or less, to an intersection with the northerly right-of-way boundary of said Crossway Road; thence, along said northerly right-of-way boundary, South 89 degrees 02 minutes 32 seconds West, a distance of 252 feet, more or less, to the southeast corner of that "Less and Except" Tract (0.09 Acre) identified in that Limited Partition Subdivision described in Official Record Book 2504, Page 2174-2175 (Tax I.D 31-19-20-608-0000) of said Public Records for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING**; thence, leaving said northerly right-of-way boundary and along the boundaries of said parcel last referenced as follows: North, a distance of 164.12 feet; thence North 44 degrees 08 minutes 41 seconds East, a distance of 72.27 feet; thence North, a distance of 9.11 feet; thence North 55 degrees 28 minutes 05 seconds West, a distance of 98.73 feet; thence West, a distance of 3.00 feet; South 65 degrees 23 minutes 24 seconds West, a distance of 118.25 feet; thence South, a distance of 15.31 feet; thence South 29 degrees 12 minutes 56 seconds East, a distance of 52.47 feet; thence South 85 degrees 38 minutes 45 seconds East, a distance of 86.64 feet; thence South, a distance of 164.73 feet to the southwest corner of that "Less and Except" Tract (0.37 Acre) identified in that Limited Partition Subdivision described in Official Record Book 2504, Page 2174-2175 (Tax I.D 31-19-20-608-0000) of said Public Records on the northerly right-of-way boundary of said Crossway Road; thence North 88 degrees 50 minutes 38 seconds East, along said northerly right-of-way boundary, a distance of 30 feet, more or less, to the **POINT OF BEGINNING**; Containing 0.46 of an acre, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the 28th day of August, 2002

PASSED the City Commission on the _____ day of _____, 2003

JOHN R. MARKS III, Mayor

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH